

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

NATHALIE THUY VAN,

Plaintiff,

v.

LANGUAGE LINE SERVICES, INC. and
LANGUAGE LINE, LLC,

Defendants.

Case No. 14-CV-03791-LHK

PRETRIAL CONFERENCE ORDER

Plaintiff's Attorney: Nathalie Thuy Van (pro se)

Defendants' Attorneys: Joel Kelly, Sander van der Heide

A pretrial conference was held on June 30, 2016.

Plaintiff stipulated that Plaintiff's meal and rest period claim is limited to the 136 meal and rest period violations that the Court found at summary judgment. The only remaining triable issue as to Plaintiff's meal and rest period claim is the amount and nature of damages owed for the 136 violations.

RULINGS ON THE RECORD

1. Pursuant to the stipulation of the parties on the record, the Court dismissed Defendant Language Line Services, Inc. from this case. From hereon, all parties and the Court should strike Language Line Services, Inc. from the case caption to avoid confusing the jury at trial.

2. For the reasons stated on the record, after reviewing the parties' briefing,

considering the parties' oral arguments and the record in this case, and balancing the factors set forth in Federal Rule of Evidence 403, the Court GRANTED Defendants' motion in limine no. 2 to exclude reference to Plaintiff's Superior Court case.

3. On June 30, 2016, the Court issued a written order ruling on Defendants motions in limine nos. 1, 2 (in part), 3, and 4. ECF No. 293.

4. For the reasons stated on the record, the Court DENIED Plaintiff's motion for sanctions against Defendants. *See* ECF No. 235. By July 1, 2016, Defendants shall produce complete versions of the emails reflected on LLS 007492 and LLS 007493, or file a declaration explaining why the documents appear incomplete.

5. For the reasons stated on the record, the Court SUSTAINED Defendant Language Line, LLC's objections to the subpoenas of Jeff Cordell and Gwyndolyn Allison. *See* ECF Nos. 276, 280 (Plaintiff's Subpoenas); ECF Nos. 291, 292 (Defendant's Objections).

JURY SELECTION

There will be 7 jurors. Each side shall have 3 peremptory challenges.

JURY INSTRUCTIONS AND VERDICT FORM

The Court will file proposed preliminary jury instructions by 5:00 p.m. on July 1, 2016. The parties shall file any comments by July 6, 2016.

The parties must meet and confer regarding proposed final jury instructions. By July 12, 2016, the parties shall file separate documents with proposed jury instructions that explain the areas of agreement and disagreement. Where the parties disagree on a proposed jury instruction, each side shall provide a brief statement as to why the party disagrees. The parties shall also email Microsoft Word copies of the proposed final jury instructions to Judge Koh's Courtroom Deputy.

ADDITIONAL DEADLINES

1. By July 15, 2016, the parties shall file updated witness and exhibit lists consistent with the Court's rulings on the motions in limine and subpoena objections. Each side may have up to 65 exhibits.

2. By July 15, 2016, the parties shall file a list of all witnesses, lawyers, paralegals, investigators, secretaries, companies, and other individuals currently or previously involved in the case for presentation to the jury during jury selection. The parties shall file separate documents, and also email Microsoft Word versions of these documents to Judge Koh's Courtroom Deputy.

3. The Court scheduled a status conference for July 22, 2016, at 3:00 p.m.

4. The Court ordered the following procedure for objections at trial:

a. For trial exhibits that will be presented on July 25, 2016, the parties, after meeting and conferring, shall file objections and responses by July 21, 2016, at 9:00 a.m.

b. For trial exhibits that will be presented on July 26, 2016, the parties, after meeting and conferring, shall file objections and responses by July 22, 2016, at 9:00 a.m.

TRIAL SCHEDULE

Both parties plan to call some of the same witnesses. Rather than recalling these witnesses in Defendant's case in chief, the parties agreed to allow defense counsel to conduct both direct and cross examinations of these witnesses in Plaintiff's case in chief.

Trial will be held on the following days, unless otherwise ordered by the Court:

1. July 25, 2016
2. July 26, 2016

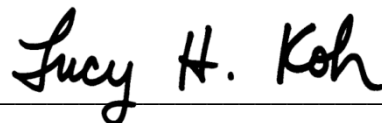
The Court set the following time limits:

1. Voir dire: 15 minutes per side
2. Opening statements: 20 minutes per side
3. Closing statements: 30 minutes per side
4. Evidence: 3 hours per side

Jury deliberations will take place on consecutive business days. Trial and jury deliberations will take place from 9:00 a.m. to 4:30 p.m. daily. Each day of trial, there will be a lunch break from noon to 1:00 p.m. There will be an approximately 15 minute break at about 10:30 a.m., and an approximately 10 minute break at about 2:15 p.m. and at about 3:30 p.m. each day. During jury deliberations, jurors may take lunch and other breaks at their own choosing.

IT IS SO ORDERED.

Dated: June 30, 2016



LUCY H. KOH
United States District Judge